

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANDRE JACOBS,	)	
	)	
Plaintiff,	)	Civil Action No. 07-514
	)	
v.	)	Judge Joy Flowers Conti
	)	Magistrate Judge Caiazza
JEFFREY A. BEARD, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Andre Jacobs' complaint pursuant to 42 U.S.C. §1983 was received by the Court on April 19, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates Judges.

The Magistrate Judge's Report and Recommendation, filed on April 18, 2008, converted the Defendants' Motions to Dismiss into Motions for Summary Judgment and recommended that they be granted. The parties were allowed ten days from the date of service to file objections. The Report was served on the Plaintiff by First Class United States Mail at his place of incarceration, the Allegheny County Jail. Objections were due on or before May 5, 2008. None have been filed to date.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27th day of May, 2008,

IT IS HEREBY ORDERED that the Defendants' Motions to Dismiss (Docs. 84, 86 and 97) are hereby converted into Motions for Summary Judgment, and they are GRANTED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 104), dated April 18, 2008, is adopted as the opinion of the court.

\_\_\_\_\_  
s/Joy Flowers Conti  
Joy Flowers Conti  
U.S. District Court Judge

cc:  
ANDRE JACOBS  
125883  
Allegheny County Jail  
950 2nd Ave.  
Pittsburgh, PA 15219